

04-00-0003—VENDING MACHINES

The sale of any legend drugs or medicines by means of a coin-operated vending machine is expressly prohibited. (10/09/80)

04-00-0004—RE-USE OF DRUGS PROHIBITED

The reuse of returned portions of a prescription drug for human consumption is prohibited whether dispensed by order of a prescription or otherwise. (10/09/80)

04-00-0005—PICK UP STATIONS

No person, firm, or business establishment shall offer to the public, in any manner, their services as a "pick-up-station" or intermediary for the purpose of having prescriptions filled or delivered, whether for profit or gratuitously. Nor may the owner of any pharmacy or drug store authorize any person, firm, or business establishment to act for them in this manner—provided however, intermediary delivery stations after approval by the Board may be operated in clinics in which a practitioner is in attendance at least one day per week and located in an area where pharmaceutical services are unavailable within ten miles of the clinic provided the filled prescriptions are delivered to a designated representative of the pharmacist filling the prescription. (10/09/80, Amended 2/17/82, and 8/19/99)

04-00-0006—EMERGENCY PHARMACY SERVICES

Any pharmacy providing prescription drugs to one or more patients in a nursing home or other institution shall provide emergency prescription services for those patients and shall provide information to the nursing home or institution indicating how the pharmacists can be reached after pharmacy hours.

All pharmacies (other than hospital and institutional) who do not provide emergency drug services for non-institutionalized patients shall post a sign at least 8½ by 11" with letters of at least one (1) inch stating "This pharmacy will not provide emergency prescription drugs when the pharmacy is closed." (6/25/83)

04-01: PHARMACY PERMIT FEES

04-01-0001—PERMIT FEES

Any person, corporation or partnership operating a pharmacy in this state desiring to continue such operation must pay a renewal fee for the a permit as established by law and/or regulation. If the fee is not paid on or before February 1st of any even-numbered year, a penalty as defined in regulation 01-00-0007 shall be levied for each month the pharmacy permit fee is delinquent. If the permit fee is unpaid by April 1st of any even-numbered year, the licensed pharmacy shall be expunged from the records of the State Board of Pharmacy, and the owner and/or pharmacist in charge thereof shall, within thirty days, remove all drug signs and legally dispose of all prescription legend drugs. (10/9/80, amended 6/13/85, amended 6/20/91 & 8/23/96)

04-02: REGULATIONS REGARDING RETAIL PHARMACIES

04-02-0001—APPLICATIONS FOR PHARMACY PERMITS

Pharmacies shall apply for licensure and renewal on forms provided by the Board. The permit will be issued to qualified applicants in the name of the licensed pharmacist who shall be

directly responsible to the Board of Pharmacy for the operation of the prescription department.
(Revised 11/15/2003)

04-02-0002—REQUIREMENTS FOR A NEW PHARMACY PERMIT

Applications for pharmacy permits, other than annual renewal of existing permits, will be reviewed by the Board of Pharmacy Staff. No pharmacy may open for business within thirty (30) days of submission of the original application. Applications for a pharmacy permit for a new pharmacy must have the name and license number of the pharmacist in charge at the time of submission and cannot be altered except by submission of an application for change of pharmacist in charge and the fee as defined in regulation 01-00-0007. The pharmacist in charge of the new pharmacy application cannot be the pharmacist in charge of another pharmacy at the time of submission of the new pharmacy application. If a post office box is used as the address for the pharmacy, the actual street address must also be included on the application. The Executive Director may require that a representative of the owner(s) and the pharmacist in charge appear before the Board of Pharmacy to finalize the application. After review by the Board of Pharmacy staff, an "Inspection Request Form" will be sent to the mailing address given as that of the owner(s) of the pharmacy making application. The inspection request form must be received in the Board of Pharmacy office at least one week before the facility will be ready for inspection.

Upon approval of the inspection of the physical facility by the Board of Pharmacy inspector, the Executive Director will complete the final approval of the application and the permit number will be issued.

04-02-0003—LEASED OPERATIONS—PHARMACY IS A DEPARTMENT OF ANOTHER BUSINESS

- (a) In any building, firm, or place of business where the pharmacy is a leased operation, and/or in situations where the pharmacist in charge does not own a substantial part of the business and is not manager of the total operation, and/or where the pharmacy is a department in a larger business that is not a drugstore or pharmacy, the prescription department shall be completely separated from the remainder of the building by some type of partition and said department shall be arranged and constructed so that the public will not have access to any legend drugs or medicine.
- (b) The prescription area or department of any pharmacy, firm or place of business must be constructed so that it may be locked to prevent unauthorized persons from entering it in the absence of a licensed pharmacist (or other authorized prescription personnel.)
- (c) A copy of the signed lease must be submitted with the application of the original permit, and at such other times as the original lease is changed or renewed.

04-02-0004—NECESSARY EQUIPMENT REQUIRED

No pharmacy permit shall be issued or continued for the conduct of a pharmacy unless the premises are equipped with the necessary appliances for maintenance of proper sanitation and kept in a clean, sanitary and orderly manner.

04-02-0005—PHARMACIST IN CHARGE

- (a) Pharmacists employed and in charge of pharmacies or drugstores, are required to notify the Board of Pharmacy and surrender for cancellation the permit issued in their names immediately upon the termination of such employment. It shall be the duty of the owner of such pharmacies

- (1) The pharmacy shall be a controlled area for the storage, safeguarding, preparation, and dispensing of methadone, a Schedule II narcotic, and buprenorphine, a Schedule III controlled substance, and shall have adequate facilities for pharmaceutical services including the procurement, storage, distribution, security and control of said drug consistent with all federal and state laws and regulations.
 - (2) The pharmacy shall have all equipment necessary to carry out the functions of the methadone clinic pharmacy and is otherwise exempt from regulation 04-02-0004; the equipment must be identified in the policies and procedures of each methadone clinic specialty pharmacy.
- (e) Licensed pharmacist personnel requirements
- (1) A methadone pharmacy shall be open to serve its patients, with a pharmacist or pharmacists on duty, a minimum of ten (10) hours per week or, if necessary, a greater period of time in order to perform pharmacy duties necessary to ensure patient safety.
 - (2) The pharmacy's operating hours must be approved by the Executive Director of the Arkansas State Board of Pharmacy. (Revised 11/15/2003)

04-03-0003 – STUDENT HEALTH CLINIC PHARMACY PERMIT

(a) Definitions:

- (1) "Student Health Clinic Pharmacy" means a pharmacy located on a university or college campus for the purpose of filling prescriptions for students or employees or their spouses or dependents.
- (2) "Board" means the Arkansas State Board of Pharmacy.

(b) Permit

- (1) Applications for student health clinic pharmacy permits shall be submitted pursuant to regulation 04-02-0001.
- (2) Any pharmacist shall notify the Board of Pharmacy in writing and ascertain that a student health clinic pharmacy permit has been issued to the clinic before beginning practice in that clinic.

(c) Pharmacy operations

- (1) The pharmacist in charge shall provide written policies, procedures, and protocols for the operation of the pharmacy and shall obtain the approval of same by the Board prior to operation of said pharmacy.
- (2) A student health clinic pharmacy may stock and dispense legend and controlled substances

(d) Physical Facilities

- (1) The pharmacy shall be a controlled area for the storage, safeguarding, preparation, and dispensing of legend and controlled substances, and shall have adequate facilities for pharmaceutical services including the procurement, storage, distribution, security and control of said drugs consistent with all federal and state laws and regulations.
- (2) The pharmacy shall have all equipment specified in regulation 04-00-0001.

(e) Licensed pharmacist personnel requirements

- (1) The pharmacy's minimum operating hours must be approved by the Board prior to operation of said pharmacy.
- (2) A pharmacist or pharmacists must be on duty during all hours of operation.
- (3) The pharmacist in charge must work fifty-percent (50%) of the hours of operation.
(07/15/2004)